



**REMARKS OF ROBERT L. LISTENBEE
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*REMARKS AS PREPARED FOR DELIVERY***

Good afternoon. I want to thank Sarah Bryer and everyone at the network for inviting me and making it possible for me to speak about OJJDP and the work we are doing.

I also want to recognize the important work that each of you is doing every day in your states and communities. You are improving conditions and opportunities for our most vulnerable children.

In doing so, you are moving this country forward for the benefit and well-being of our children.

It’s my great pleasure to be here today.

At OJJDP, we have a vision that guides our work. We envision a nation where our children are healthy, educated, and free from violence. If they come into contact with the juvenile justice system, the contact should be rare, fair, and beneficial to them.

Considering our vision in the context of the realities we face raises critical questions: Does the system meet the needs of youth entrusted to its care? And, if not, what must we do and how do we do it?

As Administrator, I believe that OJJDP has a crucial role to play in fostering and encouraging juvenile justice reform.

The good news is: over the past decade, states and localities, with assistance from OJJDP, greatly expanded their efforts to identify and assess DMC.

Despite these efforts, though, DMC remains pervasive at all decision points within the juvenile justice system.

An examination of recent data shows:

- All minority youth were arrested at almost twice the rate of white non-Hispanic youth in 2008.
- African American youth had the highest arrest rate; they were arrested at more than twice the rate of white non-Hispanic youth.
- American Indian and Alaska Native youth had the highest rate of transfers to adult court of all minorities, at almost twice the rate of white non-Hispanic youth.

It may be that efforts to keep kids out of the system—front end diversion, community-based programs, and expunging juvenile records—have had a major impact in our efforts to address DMC.

I want to talk next about how OJJDP is going about addressing system reform.

Our work at OJJDP centers on positive development approaches to youth justice and delinquency prevention. This includes trauma-informed policies and practices.

Recent research on brain development shows that routine exposure to violence can interfere with a child's brain development, emotional attachment and healthy relationships, physical health, and educational success.

Luckily—because children are still developing—early intervention can make all the difference, and children who are offered the appropriate treatment can go on to live healthy and productive lives.

If they don't get treated early, this public health issue can become a public safety problem.

Many kids exposed to violence and trauma end up in our juvenile justice system.

One of the central issues that we are wrestling with at OJJDP is whether we should adopt a developmental approach to all juvenile justice reform.

This is important because recent research on behavioral development indicates that adolescents differ from adults in three important ways:

- Their ability to regulate their emotions and behavior in emotionally charged situations is not fully developed.
- They are more sensitive to influences in their environment, such as friends or delinquent peers, than are adults.
- They often lack the ability to see how their decisions or judgments will affect or shape the future.

It should go without saying that a system that addresses adolescent delinquency or misbehavior and is based on a system designed to address adult offending probably will not meet the needs of youthful offenders.

While I am inclined to advocate for a developmental approach to youth both within the Department, across the federal government, and when working with our state, local, and tribal partners in the field, there are several steps that we must take before undertaking such a major policy initiative.

First, we must expand our understanding at OJJDP about what a developmental approach to juvenile justice would mean to our grant making, research, training and technical assistance, and general policy making.

We plan to pursue a similar process with other components within the Department of Justice and agencies represented on the Coordinating Council, which is chaired by the Attorney General.

We intend to seek further input from the field through structured and informal communications.

In 2011, OJJDP commissioned the National Academies of Science to convene a committee to study juvenile justice reform.

OJJDP charged the National Research Council with the following:

- Reviewing recent advances in behavioral and neuroscience research.
- Drawing out the implications of this knowledge for juvenile justice reform.
- Assessing the new generation of reform activities occurring in the United States.
- And assessing OJJDP's role in carrying out its statutory mission as well as its potential role in supporting scientifically based reform efforts.

With this charge, the Council brought together a panel of experts who produced a substantial, 442-page report. This report is by equal measures inspiring and highly comprehensive.

Most importantly, it includes the varying perspectives of practitioners, academics, researchers, legislators, mental health specialists, criminologists, economists, lawyers, judges, victims' rights advocates, prosecutors, and many others.

It consolidates much of what we know about:

- youth development
- the adolescent brain
- current practice in juvenile justice
- what works in juvenile justice
- what doesn't work
- and how we can best move our nation forward.

The central premise of the report is stated in very optimistic terms, which bear repeating: If the procedures for holding youth accountable for their offending and the services provided to them are designed and operated in a developmentally informed way, this approach will promote positive legal socialization, reinforce a pro-social identity, and reduce reoffending.

When we talk about juvenile justice interventions that embrace a positive development approach we should include the following components:

- A strong and caring parent or parent figure.
- Positive peers.
- Opportunities for decisionmaking or critical thinking

Finally, it is important that the youthful offender perceives the process to be fair.

How kids think about the system is important to their accepting responsibility for their actions.

The Academy was just as bold in its warning about the failure to pursue such an approach: If a developmental approach is not taken, “the outcome is likely to be negative interactions between youth and justice system officials, increased disrespect for the law and legal authority, and the reinforcement of a deviant identity and social disaffection.”

Again, a youth’s perceptions of the system and its fairness or lack thereof are critical.

This report is applicable to not only juvenile justice, but also to child welfare and related concerns.

We at OJJDP believe that this report’s findings and recommendations can transform how policy makers, practitioners, and researchers address the needs of children who are at risk for involvement or involved in the juvenile justice system.

Trauma-Informed Care

In December, the Attorney General’s National Task Force on Children Exposed to Violence released its policy recommendations that included introducing trauma-informed approaches to juvenile justice practice.

As co-chair with Joe Torre, I am very familiar with the findings and recommendations of that task force.

The Attorney General has not consigned the task force remarks to a shelf or a desk drawer.

Rather, he is actively using those recommendations to inform policy and program development throughout the Department of Justice.

Based on the recommendations, the Department has begun to think about how a developmentally informed juvenile justice system also takes trauma and victimization into account.

For instance, how do we achieve accountability, fairness, and prevention for a young person if we don't consider their history of victimization? Additionally, perceptions of system fairness become complex if a child is still in a relationship with an abuser who happens to be a parent or guardian.

The understanding is growing in the federal government, in states and communities that we must look at the violence and other contexts that have played a contributing role in a young person coming into contact with the system.

Earlier this month, the leaders of three agencies within the U.S. Department of Health and Human Services (Administration for Children and Families, Centers for Medicare and Medicaid Services, and Substance Abuse and Mental Health Services Administration) issued a guidance letter to the directors of child welfare agencies in each state and tribal nation.

The letter encourages the states and tribes to integrate trauma-focused screening, functional assessments, and evidence-based practices into their work with children and families in their welfare systems.

The letter lays out the groundwork for a new model of delivering trauma-informed services to victims and training for the field.

The letter also identifies funding streams that states may tap into to support services and treatment.

This development dovetails nicely with a recommendation made by the Attorney General's task force, which called on every professional who works with children to educate themselves on the impact of trauma on children's lives.

The task force also challenged child-serving professionals to find the resources to implement programs that provide trauma-informed care.

The HHS guidance sets forth a clear pathway for those who work with children to integrate trauma-focused care into child-serving settings.

This marks a major step forward and the first of what I expect to be many new developments in our efforts to improve child well-being and our treatment of children and youth in this country.

OJJDP's focus on reform

Next, I would like to talk about OJJDP's focus on system reform.

Overall, our primary goal is to keep kids from ever entering the system in the first place. We have reason for optimism that our efforts are meeting with some success.

Since 1997, the first year that OJJDP collected such data, the population of juvenile offenders in custody has declined by one-third.

The number of status offenders in custody is down 52 percent since 1997.

Based on the latest available national and state-level data that we have from our Census of Juveniles in Residential Placement, there were nearly 71,000 delinquent youth in residential placement facilities on the census date: February 24, 2010.

This figure is a 35-year low. At the same time, crime has also declined.

Despite this encouraging trend, we still need to improve in several areas, especially regarding rates of confinement for minority youth.

Nationwide, the custody rate for black youth is more than 4.5 times the rate for white youth. The custody rate for Hispanic youth is 1.8 times the rate for white youth.

Looking at these figures from a slightly different perspective, for every 100,000 white juveniles living in the United States, 128 were in a residential facility on February 24, 2010.

For Hispanic youth, this rate was 228 per 100,000. For black youth, the figure was 606 per 100,000. Minority youth accounted for 75 percent of juveniles held in custody for a violent offense in 2010.

In 2010, more than 47,000 minority youth were in residential placement in juvenile facilities across the country. They comprised 68 percent of the custody population nationwide. Black youth accounted for 41 percent of all offenders in custody.

As I said a few moments ago, between 1997 and 2010, the population of offenders in residential placement dropped 33 percent. Of this figure, the number of white youth declined 42%, and the number of minority youth declined 27 percent.

Again, we are making progress, but we still have a great deal of work to do to make sure that the system treats every child equally and justly. Changing circumstances—reduced funding and our growing understanding of adolescent brain development—are challenging us to take a new look at our options regarding locking kids up.

It has been said that virtually all juvenile justice work in this country takes place at the state and local levels.

State and local leadership is critical when it comes to designing and overseeing long-term juvenile justice reform. At OJJDP, state and local buy-in is critical to everything we do.

In these times of financial constraints at the federal and state levels, we must always seek to leverage our resources and utilize them wisely. Each state has its own priorities, policies, political culture, funding realities, and unique situations that must be considered when implementing any reform regime.

Even with these constraints, many states are enacting major reforms of their juvenile justice systems.

A few examples of recent activities in the states include:

Ohio

To reduce overcrowding in juvenile facilities, the state passed legislation that provides funding to counties to develop home- and community-based alternatives to incarceration for non-serious offenders.

The state standardized assessment tools that match youth with programs that are most likely to reduce recidivism.

The state mandates that counties use evidence-based programs to divert juvenile offenders from the Department of Youth Services (DYS) and prohibits the use of funds for programs shown to be ineffective.

The results: Annual admissions to DYS facilities fell more than 80 percent between 1992 and 2012, from more than 3,700 to 633.

For each dollar spent, Ohio saved between \$11 and \$45 in offender-processing and estimated, long-term victim costs and more than \$50 million in operating expenses through the closure of four DYS facilities between 2009 and 2011.

Texas

In legislation passed in 2007, juveniles cannot be committed to secure state facilities for misdemeanor offenses; the maximum age of youth permitted in those facilities was reduced from 21 to 19; and release review panels were created to ensure that youth are prepared to return to the community after confinement.

In 2007, \$57.8 million that would have been used to house juveniles adjudicated for misdemeanors in secure state facilities was redirected to the relevant counties to support local, evidence-based programs for offenders.

Texas also implemented a statewide, Web-based assessment tool to identify the levels at which each youth is at risk for recidivism, which helps judges make disposition decisions.

Georgia

Following a criminal justice overhaul in 2012, Georgia enacted legislation in 2013 to focus out-of-home placements and facilities on serious offenders and invest in evidence-based programs.

The bill also streamlines the state code relating to juvenile justice and child welfare, including creating new processes for cases involving children in need of services.

Georgia expects to save an estimated \$85 million over 5 years and the measures are expected to reduce recidivism.

Our goal at OJJDP is to support a developmental approach among those states that are reforming their juvenile justice systems. One way that we do this is to collect reliable data through our research, evaluation, and statistical work.

We make this data available to the states and our other stakeholders through our publications, Web site, Webinars, policy and program development, and other activities.

Another way that we support the field is through the Model Programs Guide, a database of more than 200 evidence-based programs.

The guide covers everything from prevention to intervention, sanctions to residential services and reentry programs and services.

Every program in the guide has been evaluated and categorized as exemplary, effective, or promising, based on the strength of the findings.

Over the past decade, the Model Programs Guide has helped practitioners and communities identify evidence-based programs that may work in their communities.

And perhaps even more importantly, it has underscored the importance of evaluation to the field.

To conclude, I have spoken about OJJDP's support for positive development approaches, our focus on system reform, and the reasons reform and new perspectives on dealing with delinquency and juvenile misbehavior are important to our youth, our communities, and our nation.

By working together, we must remain a strong voice for our children.

By working together, we will continue to make a difference in the lives of our children.

And we will help secure a better, brighter future for our children.

Thank you.